



# **Governance and Assurance Framework**

## **Section C: Register and Conflicts of Interest Policy**

**June 2021**

## **Definitions**

1. In this policy, "Relevant Interest" means any employment, company directorship, trusteeship, elected office or remunerated post, and any financial interest in an organisation or project likely to be affected by the work of the Midlands Engine Partnership or any other relevant interest. In this policy "Board" refers to both the Midlands Engine Partnership Executive Board and Operating Board.

## **General**

2. All Board Members must comply with this policy in full. By accepting appointment as a Board Member, an individual indicates their acceptance of this requirement and their agreement to notify interests in accordance with this policy.
3. The Midlands Engine Partnership shall conduct its proceedings to ensure that all conflicts and potential conflicts of interest are disclosed, and that appropriate action is taken in response to such disclosures. This includes acting in the interest of the area as a whole and not according to sectoral or geographic interests of their member organisations.

## **Register of Interests**

4. The Executive Director, in consultation with the s. 151 Officer of the Midlands Engine Accountable Body (Staffordshire County Council), shall maintain a Register of Board Members' Interests which shall record all pecuniary and non-pecuniary Interests of the Board Members. Board Members shall supply information to the Executive Director for inclusion in the register as set out below. All Board members must complete the register of interest proforma, regardless of whether they have already completed a conflict of interest or register of interest declaration for a different role e.g. local councillor.
5. The Executive Director shall:
  - send a request for information about Relevant Interests to any new Board Member immediately following their appointment;
  - circulate to Board Members at least annually a request to review their entries on the Register and notify any updates.
6. Subject to paragraph 11, a Board Member shall not vote or participate in discussions on any matter which relates directly to an organisation or project in respect of which the Board Member has a Relevant Interest, or where the matter may have a particular impact on such an organisation or project.

## **Registering and declaring pecuniary and non-pecuniary interests**

7. You must, within 28 days of taking office as a Board Member, notify the Midlands Engine Executive Director of any disclosable pecuniary interest, where the pecuniary interest<sup>1</sup>

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<sup>1</sup> For the purposes of this guidance, we are using the definition of a pecuniary interest as set out in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a spouse, or as if you were civil partners.

8. In addition, you must, within 28 days of taking office, notify the Midlands Engine Executive Director of any non-pecuniary<sup>2</sup> interest which Midlands Engine has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life and the Midlands Engine Code of Conduct. These non-pecuniary interests will necessarily include your membership of any Trade Union.
9. Board members should review their individual register of interest before each board meeting and any other decision-making meeting. They must declare any relevant interest(s) at the start of the meeting. If an interest has not been entered onto the Midlands Engine Partnership's register, then the member must disclose the interest at any meeting of the Partnership at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'<sup>3</sup>.
10. Following any disclosure of an interest not on the Midlands Engine Partnership's register or the subject of pending notification, you must formally notify the Midlands Engine Executive Director of the interest within 28 days beginning with the date of disclosure.
11. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions Midlands Engine Partnership places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Partnership.

### **Conflicts of interest**

12. A conflict of interest arises on a matter to be discussed by the Board where:
  - the matter relates to an organisation with which a Board Member or their partner/spouse or family member is associated as an employee, director, contractor, trustee, member or shareholder
  - the matter may have a particular impact on an organisation with which a Board Member or their partner/spouse or family member is associated as an employee, director, contractor, trustee, member or shareholder

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<sup>2</sup> A Non-Pecuniary interest is any interest which is not listed in the Schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (No.1464).

<sup>3</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

- the matter may have a particular impact on a Board Member, their partner/spouse, family member or close friend (i.e. an impact greater than the impact on the majority of residents in the area)
  - the Board Member has any other direct personal or financial interest in the outcome of the Board's discussion on the matter.
13. Where a Board Member considers that s/he has or may have a conflict of interest in relation to a matter to be discussed by the Board, s/he must disclose the conflict or potential conflict to the Board prior to the commencement of the Board's discussion of that matter. This requirement applies regardless of whether he has previously declared the interest in the Register of Board Members' Interests. A conflict of interest in relation to a Board Member representing a public sector organisation would, in general terms, only arise where the public sector organisation would derive a direct financial benefit in terms, for example, of a capital receipt being generated, as the result of the decision on the matter to be discussed by the Board.
14. Where a Board Member makes a declaration under paragraph 13, unless the Board agrees that the matter declared does not fall within the definition of a conflict of interest the Board Member shall not participate in or vote on the relevant matter and may, at the Chair's discretion, be asked to withdraw from the meeting.
15. A disclosure by a Board Member under paragraph 13 and all decisions relating to that disclosure shall be minuted.

#### **Breach of the policy and suspension of members**

16. In the event of a complaint that an alleged action or actions by a Board Member or a number of Board Members contravene(s) the Midlands Engine Partnership's Register and Conflicts of Interest Policy, the Executive Board will convene a group of 3 independent individuals appointed by the Chief Executive of the Partnership's Accountable Body, Staffordshire County Council (The Independent Review Panel). These individuals should be Board Members, are not conflicted by the allegation and have the required skills to review the veracity of the allegation. The Panel is charged with making a decision as to whether the allegation is fully or partially proven, or unproven. The Independent Review Panel will report to the Executive Board on the outcome of its review, including recommending to the Board what action it should take in respect of the Board Member or number of Board Members who were the subject of the complaint.
17. When a complaint is received, the Chair (or in their absence the Vice-Chair), after taking advice from the Chief Executive of the Accountable Body, will decide whether or not they should make an immediate recommendation to the Executive Board to suspend the Member or Members from attending Board meetings and Board business subject to the complaint pending the outcome of the investigation by the Independent Review Panel and the response of the Board to the Panel's recommendations. Suspension is a neutral act enabling a full investigation to be carried out and is not intended to pre-judge the outcome of the investigation. It is expected that such investigations will be completed within 30 working days of the Board's decision to investigate. However, the Board may extend the time for completion of an investigation where if it considers it is necessary to do so.

## **Gifts and Hospitality**

18. All Board Members should declare on the Register of Members' Interests proforma all gifts and hospitality received as a result of membership of the Midlands Engine Partnership (above the value of £50).



## Appendix 1

Name: \_\_\_\_\_

### Midlands Engine Partnership – Register of Members’ Interests

#### April 2021 – March 2022

As a Board Member of the Midlands Engine Partnership, I declare that I have the following disclosable pecuniary and/or non-pecuniary interests.

Please state “NONE” where appropriate. Do not leave any blank boxes.

#### Notification of change of circumstances

Each Board Member shall review their individual register of interests before each board meeting and decision-making committee meeting, submitting any necessary revisions to the Midlands Engine and Accountable Body representative at the start of the meeting. Any recorded interests relevant to the meeting should also be declared at this point.

Even if a meeting has not taken place a Member must, within 28 clear working days of becoming aware of any change to the interests specified below, provide written notification to the Programme Director and s151 Officer, of that change.

**\*SPOUSE/PARTNER** – In the notice below, my spouse or partner means anyone who meets the definition in the Localism Act, i.e. my spouse or civil partner, or a person with whom I am living as a spouse, or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest, having carried out a reasonable level of investigation. Where your spouse or partner has recently been involved in any activity which would have been declarable, this should be mentioned, with the date the activity ended.

SECTION 1	ANY EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION CARRIED ON FOR PROFIT OR GAIN	MYSELF	SPOUSE/PARTNER*
1.1	Name of: <ul style="list-style-type: none"> <li>○ your employer(s)</li> <li>○ any business carried on by you</li> <li>○ any other role in which you receive remuneration (this includes remunerated roles such as Councillor or other elected office)</li> </ul>		
1.2	Description of employment or business activity.		

1.3	The name of any firm in which you are a partner.		
1.4	The name of any company for which you are a remunerated director.		
<b>SECTION 2</b>	<b>SPONSORSHIP</b>	<b>MYSELF</b>	<b>SPOUSE/PARTNER</b>
2.1	<p>Any financial benefit obtained (other than from the Midlands Engine) which is paid as a result of carrying out duties as a Member of the Midlands Engine Partnership.</p> <p>This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a).</p>		
<b>SECTION 3</b>	<b>CONTRACTS</b>	<b>MYSELF</b>	<b>SPOUSE/PARTNER</b>

3.1	Any contract for goods, works or services with the Midlands Engine Partnership entered into on its behalf by its Accountable Body, Staffordshire County Council which has not been fully discharged by any organisation named at 1.1.		
3.2	Any contract for goods, works or services entered into by any organisation named at 1.1 where either party is likely to have a commercial interest in the outcome of business being decided by the Midlands Engine Partnership.		
<b>SECTION 4</b>	<b>LAND OR PROPERTY</b>	<b>MYSELF</b>	<b>SPOUSE/PARTNER</b>
4.1	<p>Any interest you or any organisation listed at 1.1 may have in land or property which is likely to be affected by a decision made by the Midlands Engine Partnership.</p> <p>This would include, within the area of the Midlands Engine Partnership:</p> <ul style="list-style-type: none"> <li>○ Any interest in any land in the Midlands Engine</li> </ul>		

	<p>Partnership area, including your place(s) of residency</p> <ul style="list-style-type: none"> <li>○ Any tenancy where the landlord is the Midlands Engine Partnership and the tenant is a body in which the relevant person has an interest</li> </ul> <p>For property interests, please state the first part of the postcode and the Local Authority where the property resides. If you own/lease more than one property in a single postcode area, please state this.</p>		
<b>SECTION 5</b>	<b>SECURITIES</b>	<b>MYSELF</b>	<b>SPOUSE/PARTNER</b>
5.1	<p>Any interest in securities of an organisation under 1.1 where:-</p> <p>(a) that body (to my knowledge) has a place of business or land in the area of the Midlands Engine Partnership; and</p> <p>(b) either –</p>		

	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which has an interest exceeds one hundredth of the total issued share capital of that class.</p>		
<b>SECTION 6</b>	<b>GIFTS AND HOSPITALITY</b>	<b>MYSELF</b>	<b>SPOUSE/PARTNER</b>
6.1	Any gifts and/or hospitality received as a result of membership of the Midlands Engine Partnership (above the value of £50).		

## OTHER INTERESTS

### Membership of Organisations

I am a member of, or I am in a position of general control, a trustee of, or participate in the management of:

1. Any Body to which I have been appointed or nominated by the Midlands Engine Partnership:

2. Any Body exercising functions of a public nature (e.g. school governing body, Local Enterprise Partnership):

3. Any Body directed to charitable purposes:

4. Any Body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

5. Any local authority (please state any interests you hold as Local Authority (LA) leaders/cabinet members for LA land, resources and the LA's commercial interests):

6. Any other interest which I hold which might reasonably be likely to be perceived as affecting my conduct or influencing my actions in relation to my role.

**MEMBER'S DECLARATION AND SIGNATURE**

I confirm that having carried out reasonable investigation, the information given above is a true and accurate record of my relevant interests, given in good faith and to the best of my knowledge.

<b>Date</b>	
<b>Member's Name</b> <i>(Capitals – in full)</i>	